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VIA EMAIL

Hon. Arun Subramanian
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Combs*, 24-cr-542 (AS)

Dear Judge Subramanian:

We write in opposition to the government's eleventh-hour request, filed earlier today, for [REDACTED] (Victim-5) to be permitted to testify at trial under a pseudonym.

For starters, the request should be denied as untimely. The government had ample opportunity to include [REDACTED] in its motion in limine for the use of pseudonyms, but (perhaps for its own strategic reasons) chose not to do so. The government first learned that [REDACTED] yet elected not to seek permission for her to testify under a pseudonym in the extensive prior briefing and oral argument concerning pseudonymous testimony.

In any event, the government provides no legitimate basis for using a pseudonym here. For all the reasons previously articulated by the defense in prior briefing on this issue, the use of a pseudonym would unduly infringe Mr. Combs's constitutional rights and is unsupported by any legitimate interest. *See* Dkts.248, 266. And [REDACTED] is in a very different position from the two witnesses the Court has allowed to testify under fake names. Indeed, the government's new request is not even a close call. [REDACTED]

[REDACTED] The concerns raised in the government's letter are entirely illusory and provide no basis to cloak [REDACTED] testimony in anonymity.

The government claims [REDACTED] cannot testify under her real name [REDACTED] Ltr. at 1. In fact, unlike alleged Victims 2 and 4, [REDACTED] voluntarily and publicly shared details of her relationship with Mr. Combs [REDACTED]

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[REDACTED] She decided *not* to protect her own privacy, and voluntarily took the risks of any negative publicity that might result from broadcasting her story to the public. Thus, any incremental negative publicity from her testimony cannot trump Mr. Combs's constitutional rights or the presumption of an open and public trial.

The government tries to minimize the extent to which [REDACTED] deliberately put her past relationship with Mr. Combs into the spotlight [REDACTED]

[REDACTED] . Ltr. at 2. But that is untrue. [REDACTED]

[REDACTED] She is perfectly capable of doing the same in a courtroom— [REDACTED]

The government also claims [REDACTED] [REDACTED] Ltr. at 2, but that is not a real concern that would justify a pseudonym here either. Indeed, it is a problem the government itself can—and has offered to—resolve. The prosecutors told [REDACTED] counsel that the government is [REDACTED]

Finally, the government's requested relief would be totally futile. [REDACTED] who has already been identified by the press in connection with this case— [REDACTED]

¹ [REDACTED]

² And she will be cross-examined about her statements [REDACTED]. The public will know (and already knows) exactly who she is. There is therefore no legitimate argument that a pseudonym would even protect [REDACTED] from the illusory harms cited by the government. *See* Dkt.248 at 14-15.

Respectfully submitted,

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